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Cascades Computer Innovation LLC

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

CASCADES COMPUTER INNOVATION
 LLC,

Plaintiff,

v.

RPX CORPORATION and SAMSUNG
 ELECTRONICS CO. LTD.,
 Defendants.

Case No. 4:12-cv-1143 (YGR)

The Honorable Yvonne Gonzalez Rogers

Magistrate Judge Donna M. Ryu

**CASCADES' COURT-REQUESTED
 OPENING BRIEF REGARDING THE
 REMAINING STATE LAW CLAIMS**

Cascades intends to pursue its state court claims in state court, and therefore, requests that the Court decline to exercise supplemental jurisdiction over Count V (for violation of the Cartwright Act, Cal. Bus. & Prof. Code §§ 16700 *et seq.*) and Count VI (for violation of California's Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200 *et seq.*). The parties have

1 conferred regarding the resolution of the state law claims, but could not reach an agreement
 2 because Defendants insist that the state law claims must be dismissed with prejudice.

3 Having dismissed the federal antitrust claims over which it had original jurisdiction, the
 4 Court should simply decline to exercise supplemental jurisdiction over the remaining state law
 5 claims under 28 U.S.C. § 1367(c)(3). Dismissing the state claims with prejudice would be
 6 inappropriate where there has been no finding on the merits that Cascades is unlikely to be able
 7 to successfully re-plead these claims in state court. Hence, Cascades requests that the Court
 8 exercise its discretion, and decline supplemental jurisdiction, so that Cascades can pursue its
 9 California state law claims in California state court.
 10

11
 12 Dated: March 4, 2016

Respectfully submitted,

13 /s/Raymond P. Niro

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 4, 2016 the foregoing **CASCADES' OPENING BRIEF REGARDING THE REMAINING STATE LAW CLAIMS** was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/Raymond P. Niro

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